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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/24/2001

Franz Amtmann

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10/24/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PHU, PHUONG M

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,381

Applicant(s)

AMTMANN, FRANZ

Examiner

Phuong Phu

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 15, 16, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to the Amendment filed on 9/27/05.

Specification

1. The disclosure is objected to because it does not comply with 37 CFR 1.77(b).

Appropriate correction is required.

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

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3. Note that 37 CFR 1.77(b) is one among the rules that the primary function of the rules is to advise the public of the rules which have been established in accordance with the statutes and which must be followed before the USPTO. The rules govern the examiners, as well as applicants and their attorneys and agents. (see M.P.E.P., Introduction-Rules, and Appendix R-Patent Rules, 1.77(a)).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 13, 14, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Reis et al (5,686,902), provided in the IDS filed on 1/28/02.

-Regarding to claims 13 and 17, see figures 1, 4, 5 and 9, and col. 9, lines 8-38, col. 13, line 40 to col. 19, line 39, col. 9, line 35 to col. 24, line 18, Reis et al discloses a method and associated system of communication between a communication station (7) (see figure 1) and one or more data carriers (8-1, 8-2,...) (see figure 1), the data carriers present within a communication range (9) of the communication station (see figure 1), the method/system comprising:

interrogating signal generating and transfer step/means (included in (7)) of generating and supplying an interrogation signal (e.g., (SP(p))) to all the data carriers present within the communication range allowing the communication station to start an interrogation cycle (CP(p)), (see figures 1, 4, and col. 9, lines 8-26, col. 14, line 48 to col. 15, line 21);

step/means (included in (8-1, 8-2,...)) of receiving the interrogation signal by all the data carriers present within the communication range during the interrogation cycle (see col. 15, lines 16-20);

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step/means (included in (8-1, 8-2,...)) of supplying a response signal (e.g., TS(p.dp)) from the one or more data carriers to the communication station in response to the interrogation signal (see figure 4, col. 15, lines 16-20);

station receiving step/means (included in (7)) of receiving by the communication station one or more of the response signals individually (e.g., TS(p.dp)) (see figure 4) and, as a consequence, separately (see figures 4, col. 16, line 62 to col. 17, line 7), and receiving by the communication station one or more of the response signals at least two at a time and, as a consequence, not separately (see figure 9, col. 17, lines 3-7, col. 23, lines 35-55).

acknowledge signal generating step/means (included in (7)) of generating and supplying an acknowledge signal (e.g., AS(p.Sp)) from the communication station to any of the data carriers whose response signal has been received separately by the communication station, whereby the acknowledge signal can be supply to the relevant data carrier with the aid of the interrogating signal generating and transfer step/means (7) (see figure 4, and col. 17, line 66 to col. 18, line 19);

step/means (included in (8-1, 8-2,...)) of receiving and evaluating the acknowledge signal by the data carrier whose response signal has been received separately by the communication station; in which as a result of the evaluation of the acknowledge signal, disabling each data carrier whose response signal. has been received separately by the communication station from receiving the interrogation signals supplied subsequently by the communication station (see col. 18, lines 56-65, col. 19, lines 18-29); and

step/means (included in (7)) in which after a termination of the interrogation cycle, supplying an interrogation signal (IP_{p+1} of $(SP(p+1))$) by the communication station in order to start a subsequent interrogation cycle $CP(p+1)$; and generating by the communication station

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each acknowledge signal (CD_{p+1} , AR_{p+1}) as a component of an extended interrogation signal (see figure 4, col. 14, line 48 to col. 16, line 24 and TABLE 1);

wherein the acknowledge signal generating step/means and the interrogating signal generating and transfer step/means are inherently adapted to cooperate with each other so as to enable each acknowledge signal to be generated as a component of an extended interrogation signal (in such a way that each of acknowledge signals ($AS(p_1)$, $AS(p_2)$, ...) is generated in sequence following a specific time period ($LP(p)$) after the interrogating signal ($SP(p)$) being occurred (see figure 4)).

-Regarding to claims 14 and 18, Reis et al discloses step/means (7, 8-1, 8-2, ...) of effecting the communication between the communication station and the data carriers in one or more time-sequential slots (e.g., $SP(p)$, $LP(p)$, $AP(p)$); step/means (8-1, 8-2, ...) of supplying the response signals (e.g., during $PS(p.dp)$) in the time-sequential slots; step/means (7) of receiving by the communication station one or more of the response signals individually and therefore separately with each response signal appearing alone in a time slot; and step/means (7) of generating the acknowledge signal ($AP(p)$) in the form of a digital signal with the aid of the communication station, where the digital signal represents a bit string having a given number of main bits, with each main bit associated with a time slot, and those main bits which are associated with a time slot in which a response signal from the data carrier has appeared alone are set to a given bit value (see figures 4, 9, and col. 17, line 66 to col. 18, line 19, col. 23, lines 44-45).

Allowable Subject Matter

6. Claims 15, 16, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed on 9/27/05 have been fully considered but they are not, in part, persuasive.

-The objection on Oath/Declaration has been withdrawn since the supplemental Oath/Declaration filed on 9/27/05 overcomes the objection.

-The objection to Drawings has been withdrawn since the Amendment on Drawings filed on 9/27/05 overcomes the objection.

-Applicant's arguments with respect to the objection to the Specification are not persuasive. The disclosure is objected to because it does not comply with 37 CFR 1.77(b). Note that 37 CFR 1.77(b) is one among the rules that the primary function of the rules is to advise the public of the rules which have been established in accordance with the statutes and which must be followed before the USPTO. The rules govern the examiners, as well as applicants and their attorneys and agents. (see M.P.E.P., Introduction-Rules, and Appendix R-Patent Rules, 1.77(a)).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

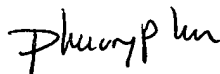
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Phu whose telephone number is 571-272-3009. The examiner can normally be reached on M-F (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Phuong Phu
10/19/05

PHUONG PHU
PRIMARY EXAMINER

Phuong Phu
Primary Examiner
Art Unit 2631